IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 895 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BHAVNA MANU HIRPARA

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 895 of 2003

MR PT JASANI for Petitioner No. 1

MR DN PATEL for Respondent No. 1

DS AFF.NOT FILED (R) for Respondent No. 1

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 07/02/2003

ORAL JUDGEMENT

1. Rule. Mr.D.N. Patel learned Senior Standing

Counsel waives service of rule on behalf of respondent no.1.

2. This is a petition for direction to the respondent - authority to issue passport to minor son namely Ravi with the name of the petitioner's husband as his father i.e. Manu Hirpara instead of Ravi Pravinbhai Bhikabhai as shown in the birth certificate at annexure-E. It is stated that the petitioner is the natural mother of the child. She married with Pravinbhai Bhikabhai Patel (Gondalia) and after some years they obtained divorce in the Sessions Court of law and the petitioner got remarried with Manu Jeram Hirpara who is the resident of America. On earlier occasion a deed of adoption was shown in which son Ravi was given in adoption by the mother. The respondent - authority therefore, refused to entertain the request on the ground that under law the father of the child can only give the child on adoption. Now, the son has been given in adoption by natural father Pravinbhai Bhikabhai Patel (Gondalia) to Manu Jeram Hirpara and a deed of adoption was executed on 27/01/2003, at Ahmedabad and that deed of adoption has already been registered. After getting the copy of the new deed of adoption, the petitioner moved an application before the respondent - authority for issuance of passport in the name of son Ravi showing the name of Manu Jeram Hirpara as adopting after. The respondent - authority has stated that the orders have already been passed and the application cannot be entertained in asmuch as an order or direction is given by the Court of competent jurisdiction. Hence, the petitioner has come again before this Court by way of this petition.

3. In the facts and circumstances of the case, this petition is being disposed of finally with a direction to the respondent - authority to entertain the application of the petitioner for issuance of passport and than decide the same in accordance with law within two weeks from the presentation of the copy of this order. The petitioner is permitted to move the respondent - authority by filing an application/representation within two weeks from today. Rule is made absolute with no order as to costs.

Direct Service is permitted.

[KUNDAN SINGH, J.]

/phalguni/